
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

MICHAEL ALEXANDER BACON,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

**MEMORANDUM DECISION AND
ORDER DENYING APPLICATION TO
PROCEED WITHOUT PREPAYING
FEES OR COSTS**

Case No. 2:19-cv-00735-DN

District Judge David Nuffer

Petitioner seeks leave to appeal *in forma pauperis*¹ the judgment² denying and dismissing his § 2255 Motion.³

“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.”⁴

Petitioner was denied a certificate of appealability regarding his § 2255 Motion.⁵ There is no reasonable basis for any alleged error in Petitioner’s appeal, and his appeal presents no substantial question for review. Therefore, it is certified that Petitioner’s appeal is not taken in good faith.

¹ Application to Proceed in District Court Without Prepaying Fees or Costs (“Application”), docket no. 14, filed under seal Jan. 6, 2020; Notice of Appeal, [docket no. 8](#), filed Dec. 6, 2019.

² Judgment in a Civil Case, [docket no. 7](#), filed Nov. 20, 2019.

³ Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (“§ 2255 Motion”), [docket no. 1](#), filed Oct. 3, 2019.

⁴ 28 U.S.C. § 1915(a)(3).

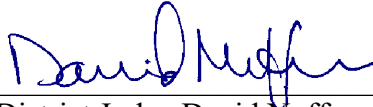
⁵ Memorandum Decision and Order Denying Certificate of Appealability, [docket no. 12](#), filed Dec. 12, 2019.

ORDER

IT IS HEREBY ORDERED that Petitioner's Application⁶ is DENIED.

Signed January 8, 2020.

BY THE COURT



District Judge David Nuffer

⁶ Docket no. 14, filed under seal Jan. 6, 2020.